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4 DANIEL OSEGUERA,
5 Petitioner,

6 v.
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8 SHERIFF CHRISTINA CORPUS,
9 Respondent.
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11 Case No. [24-cv-02000-AMO](#) (PR)

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28 **ORDER TO SHOW CAUSE**

29 Petitioner Daniel Osegura, an inmate at the Maguire Correctional Facility, has filed the
30 instant *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Dkt. 1. He has
31 paid the full filing fee. Dkt. 6.

32 It does not appear from the face of the petition that it is without merit. Good cause
33 appearing, the court hereby issues the following orders:

34 1. The Clerk of the Court shall serve a copy of this order upon Respondent and
35 Respondent's attorney, the Attorney General of the State of California, at the following email
36 addresses: SFAWTParalegals@doj.ca.gov and docketingsfawt@doj.ca.gov. The petition and
37 the exhibits thereto are available via the Electronic Case Filing System for the Northern District of
38 California. The Clerk shall serve by mail a copy of this order on the petitioner.

39 2. Respondent shall file with this Court and serve upon the petitioner, within **sixty**
40 **(60) days** of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the
41 Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be
42 issued. Respondent shall file with the Answer a copy of all portions of the relevant state records
43 that have been transcribed previously and that are relevant to a determination of the issues
44 presented by the petition.

45 3. If the petitioner wishes to respond to the Answer, he shall do so by filing a Traverse

1 with the Court and serving it on Respondent within **sixty (60) days** of his receipt of the Answer.
2 Should the petitioner fail to do so, the petition will be deemed submitted and ready for decision
3 **sixty (60) days** after the date the petitioner is served with Respondent's Answer.

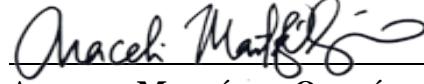
4 4. Respondent may file with this Court and serve upon the petitioner, within **sixty**
5 **(60) days** of the issuance of this Order, a motion to dismiss on procedural grounds in lieu of an
6 Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section
7 2254 Cases. If Respondent files such a motion, the petitioner shall file with the Court and serve
8 on Respondent an opposition or statement of non-opposition to the motion within **sixty (60) days**
9 of receipt of the motion, and Respondent shall file with the Court and serve on the petitioner a
10 reply within **fourteen (14) days** of receipt of any opposition.

11 5. It is the petitioner's responsibility to prosecute this case. He must keep the Court
12 and Respondent informed of any change of address and must comply with the Court's orders in a
13 timely fashion. Pursuant to Northern District Local Rule 3-11 a self-represented party proceeding
14 whose address changes while an action is pending must promptly file a notice of change of
15 address specifying the new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a
16 petition when: (1) mail directed to the self-represented party by the Court has been returned to the
17 Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written
18 communication from the self-represented party indicating a current address. *See* L.R. 3-11(b); *see*
19 also *Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997) (holding that Rule 41(b) is applicable
20 in habeas cases). The petitioner must also serve on Respondent's counsel all communications
21 with the court by mailing a true copy of the document to Respondent's counsel.

22 6. Any requests for extensions of time must be submitted at least **seven (7) days** prior
23 to the expiration of a deadline, as required by Section D.2 of the Court's Standing Order for Civil
24 Cases.

25 **IT IS SO ORDERED.**

26 Dated: October 2, 2024


27 **ARACELI MARTÍNEZ-OLGUÍN**
28 **United States District Judge**